

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACY S.; and JOHN AND MARY ELLEN S.,)	
on behalf of their daughter, LEIGH ANN S.,)	CIVIL ACTION NO. 04-150E
a minor)	
Plaintiffs)	Honorable Sean J. McLaughlin
)	
v.)	
)	
GIRARD SCHOOL DISTRICT; ROBERT)	
SNYDER, Individually and in his capacity as)	
Principal of Rice Avenue Middle School; and)	
GREGORY YARBENET, a professional employee)	
of the Girard School District)	
Defendants)	

**DEFENDANT, GREGORY J. YARBENET'S, CONSENT
TO PLAINTIFFS' REQUEST FOR SUMMARY JUDGMENT**

AND NOW, comes Defendant, Gregory J. Yarbenet, by and through his attorneys, ELDERKIN, MARTIN, KELLY & MESSINA, and files this Consent to Plaintiffs' Request for Summary Judgment:

Defendant Yarbenet disagrees with the Statement of Material Facts as presented by Plaintiffs and disagrees with many of the factual and legal assertions set forth in Plaintiffs' Brief in Support of the Motion for Summary Judgment. Despite such disagreement, Defendant Yarbenet does not oppose Plaintiffs' Motion for Summary Judgment as to liability and Defendant Yarbenet joins in Plaintiffs' request that the Court schedule a trial to assess damages against Defendant Yarbenet.

Respectfully submitted,

ELDERKIN, MARTIN, KELLY & MESSINA

By: /s/ Lori R. Miller

Lori R. Miller, Esquire
Pa.S.Ct. #85774
Edward J. Betza, Esquire
Pa. S. Ct. #65529
Attorneys for Defendant, Gregory J. Yarbenet
150 East 8th Street
Erie, Pennsylvania 16501-1269
(814) 456-4000

Dated: September 15, 2005